

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.109+203

**CM No.14167 of 2017 in/and
Civil Writ Petition No.13690 of 2011 (O&M)
DECIDED ON: September 29, 2017**

TARSEM LAL SHARMA

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.K. Arora, Advocate,
for the applicant-petitioner.

Mr. Manoj Bajaj, Additional Advocate General, Punjab,
for respondents No.1 to 3.

Mr. Gaurav Gupta, Advocate,
for respondent No.4.

JASPAL SINGH, J. (ORAL)

CM No.14167 of 2017

Application is allowed, as prayed for.

Notice of demand dated August 10, 2017 (Annexure P-15) is
taken on record subject to all just exceptions.

CWP No.13690 of 2011 (O&M)

By virtue of the instant civil writ petition, preferred under
Article 226/227 of the Constitution of India, petitioner has sought the
issuance of a writ in the nature of mandamus directing the respondents to

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pay his pension and retiral dues after granting him step up increment under ACP Scheme w.e.f. November 01, 2006 as well as that after granting him his due promotion as Executive Officer, Class-I w.e.f. December 08, 2006 and re-fixation of his pay in the revised pay scale in view of recommendation of 5th Pay Commission in accordance with rule.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioner that all the retiral dues including pension have already been released/disbursed to the petitioner during pendency of instant petition, as far as his promotion as Executive Officer, Class-I is concerned has already been granted w.e.f. December 08, 2006. But no arrears from the date of his promotion i.e. December 08, 2006 as well as interest on delayed payments has been made.

3. Learned counsel for the petitioner further submits that revised pay has also not been properly fixed by the respondents. In this regard, respondents have already passed the orders dated October 22, 2016 and April 28, 2017.

4. In the light of aforesaid facts and circumstances of the case, this Court is of the considered view that instant writ petition has rendered infructuous as far as grant of pension, retiral dues or promotion is concerned. Regarding other relief(s) which are still to be claimed by the petitioner, a demand notice dated August 10, 2017 (P-15) has been moved to the respondents.

5. Learned State counsel submits that some time be provided to the respondents to deal with aforesaid demand notice dated August 10, 2017 (P-15) and pass a speaking order.

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6. Accordingly, instant petition is disposed of with a direction to respondent No.1-Principal Secretary Local Govt., Punjab, Mini Secretariat, Sector 9, Chandigarh to look into the grievances unfolded by the petitioner in his demand notice dated August 10, 2017 (P-15) and to take a conscious decision by passing a speaking order that too, after giving a personal hearing to the petitioner within a period of four months from the date of receipt of a certified copy of this order. Factum of interest in view of judgment passed by Full Bench of this Court in case *A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468* as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as *Charan Dass vs. State of Punjab & Ors.* decided on July 11, 2017, be also considered on delayed payment(s).

7. However, if the petitioner still feels dissatisfied of any order passed by the aforesaid concerned authority, he shall be at liberty to approach this Court.

September 29, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No